

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON JAMES BLAKE,
Petitioner,

v.

WARDEN, FCI-MENDOTA,
Respondent.

No. 1:24-cv-01035-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
RESPONDENT'S MOTION TO DISMISS,
DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS, AND DIRECTING
CLERK OF COURT TO ENTER JUDGMENT
AND CLOSE CASE

Petitioner Aaron James Blake is a federal prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 13, 2024, the assigned magistrate judge issued findings and recommendations to grant respondent's motion to dismiss for mootness. Docs. 9, 11. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. No objections have been filed, and the deadline to do so has expired.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1), the Court has conducted a de
2 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
3 and recommendations are supported by the record and proper analysis.

4 In the event a notice of appeal is filed, a certificate of appealability will not be required
5 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241,
6 not a final order in a habeas proceeding in which the detention complained of arises out of
7 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997);
8 *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th
9 Cir. 1996).

10 Accordingly,

- 11 1. The findings and recommendations issued on December 13, 2024, Doc. 11, are
12 adopted in full;
- 13 2. Respondent's motion to dismiss, Doc. 9, is granted;
- 14 3. The petition for writ of habeas corpus is dismissed with prejudice;
- 15 4. The Clerk of Court is directed to enter judgment and close the case; and
- 16 5. In the event a notice of appeal is filed, no certificate of appealability is required.

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19 IT IS SO ORDERED.

20 Dated: January 19, 2025


UNITED STATES DISTRICT JUDGE